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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,743	02/25/2004	John Douglas Methot	BEAS-1438US2	2998
23910 7590 03/12/2007 FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER KEATON, SHERROD L	
			ART UNIT	PAPER NUMBER
			2109	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/786,743	METHOT, JOHN DOUGLAS	
	Examiner	Art Unit	
	sherrod keaton	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the original filing of February 25, 2004. Claims 1-12 are pending and have been considered below:

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1 are provisionally rejected on the ground of nonstatutory double patenting over claim 1 of copending Application No. 10786844. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

Art Unit: 2109

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: An extensible on-line help with a help system and help display.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Objections

3. Claims 10-12 are objected to because of the following informalities: Claim 10 is dependent on Claim 12, which is dependent on Claim 13. Claim 11 is also dependent on Claim 13. Claim 13 is not present in the Claims. Appropriate correction is required. The Claims should be correctly referenced to the claims, which they are dependent on. Examiner will examine as if Claim 10 is dependent on Claim 9, and Claims 11 and 12 are dependent on Claim 10.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2109

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 4, 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Chan (US 2003/0028364 A1).

Claim 1: Chan discloses a method for providing extensible online help, comprising:

- a.) importing an extension (Page 1, Paragraph 7), (Page 4, Paragraph 37);
- b.) providing a help system adapted to process documentation content upon import of the extension (Page 1, Paragraph 5); and
- c.) providing a help display adapted to provide display operations for the help system (Page 1, Paragraph 5), (Page 3, Paragraph 26).

Claim 2: Chan discloses a method for providing extensible online help as in Claim 1 above and further discloses the extension as an IDE extension (Page 1, Paragraph 2 and 7).

Claim 4: Chan discloses an extension as an IDE extension as in Claim 2 above and further discloses that the help system can be integrated with an extension installation mechanism (Page 2, Paragraph 15-16).

Art Unit: 2109

Claim 9: Chan discloses a method for providing extensible online help as in Claim 1 above and further discloses the help system includes context-sensitive help topics (Page 1, Paragraph 5), (Page 3, Paragraph 26).

Claim 10: Chan discloses a help system including context-sensitive help topics as in Claim 9 above and further discloses that help topics are organized by a context ID (Page 7, Paragraph 60-61).

Claim 11: Chan discloses that help topics are organized by a context ID as in Claim 10 above and further discloses the context ID is a fully qualified Java class (Page 1 Paragraph 6-8).

Claim 12: Chan discloses that help topics are organized by a context ID as in Claim 10 above and further discloses the context ID is a fully qualified name from a non-Java resource (Page 1 Paragraph 6-8).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2109

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan (US 2003/0028364 A1) in further view of Cohen (US 7024658 B1).

Claim 3: Chan discloses a method for providing extensible online help as in Claim 1 above but does not explicitly disclose the help system including a control and a control property. However Cohen discloses an extensible help facility for a computer software application and further discloses the help system with control and control properties (Column 2, Lines 3-13). Therefore it would have been obvious to one having ordinary skill at the time of the invention to include control and control properties in Chan. One would have been motivated to include control and control properties to allow user to generate multiple help files aimed at specific files.

Claim 5: Chan discloses an extension as an IDE extension as in Claim 2 above but does not explicitly disclose the help display being configured to display content in a web browser. However Cohen discloses an extensible help facility for a computer software application and further discloses the help system being configured to display content in a web browser (Column 2, Lines 3-13). Therefore it would have been obvious to one having ordinary skill at the time of the invention to display content in a web browser of Chan. One would have been motivated to include the help display content in a web browser in order to allow user access multiple help files through hyperlinked pages.

Art Unit: 2109

Claim 6: Chan discloses an extension as an IDE extension as in Claim 2 above but does not explicitly disclose the help display displaying a table of contents. However Cohen discloses an extensible help facility for a computer software application and further discloses the help system displaying a table^{of} contents (Column 2, Lines 21-33). Therefore it would have been obvious to one having ordinary skill at the time of the invention to display a table of contents in Chan. One would have been motivated to display a table of contents and enhance the user efficiency and allow user to see available help topics.

Claim 7: Chan discloses an extension as an IDE extension as in Claim 2 above but does not explicitly disclose the help display is externally controllable. However Cohen discloses an extensible help facility for a computer software application and further discloses the help system being externally controllable (Column 3, Lines 5-20). Therefore it would have been obvious to one having ordinary skill at the time of the invention to allow the help system to be externally controllable in Chan. One would have been motivated to allow the help system be externally controllable user could edit the help display to there preference.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chan (US 2003/0028364 A1).

Art Unit: 2109

Claim 8: Chan discloses a method for providing extensible online help as in Claim 1 above but does not explicitly disclose the help system including general conceptual help topics but does disclose context-sensitive help topics (Page 1, Paragraph 5), (Page 3, Paragraph 26). Therefore it would have been obvious to one having ordinary skill at the time of the art to have conceptual help topics in Chan. One would have been motivated to have conceptual help topics in order to allow user broad and detail inquiries. This allows user to dig down until they have found what they need help on.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a.) Minard Development System with Application Browser User Interface (US 6247020 B1)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrod Keaton whose telephone number is 571) 270-1697. The examiner can normally be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES MYHRE can be reached on 571) 270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Art Unit: 2109

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLK
2-20-07



James Myhre
Supervisory Patent Examiner